

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

ELEVEN ASSORTED JEWELRY ITEMS,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Richard G. Frohling, United States Attorney for the Eastern District of Wisconsin, and Bridget J. Schoenborn, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America, under 21 U.S.C. § 881(a)(6), for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant property, eleven assorted jewelry items, more specifically identified in A through K below, was seized on or about October 13, 2020, from Willie Etherly at 1XXX N. Old World Third Street, Apt. XXXX, Milwaukee, Wisconsin.

- A. One 10K yellow gold Cuban link necklace with diamonds;
- B. One 14K yellow gold “W” pendant with diamonds;
- C. One 14K yellow gold multi-diamond ring;
- D. One men’s 18K yellow gold Rolex oyster perpetual day-date 40 watch;

- E. One 14K white yellow and rose gold Cuban link-style bracelet with diamonds and “1217” design in clasp;
- F. One 14K yellow gold diamond necklace;
- G. One 14K yellow and white gold “1217” pendant with diamonds;
- H. One ladies’ 14K yellow gold diamond necklace;
- I. One 14K yellow and white gold “1217” diamond pendant;
- J. One ladies’ 14K white gold multi-baguette and round brilliant cut diamond necklace; and
- K. One 18K yellow gold Submariner 16618 Rolex watch with blue dial.

3. The defendant property is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

6. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

7. The defendant property, eleven assorted jewelry items, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it represents proceeds of trafficking in controlled substances or was purchased with proceeds traceable to an exchange of money for controlled substances in violation of 21 U.S.C. § 841(a)(1).

Facts

8. Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812.
9. Tetrahydrocannabinol (“THC”) is a Schedule I controlled substance under 21 U.S.C. § 812.
10. On or about February 18, 2011, Willie Etherly pled guilty to a felony count in Milwaukee County Circuit Court Case No. 10CF5876.
11. Since on or about February 18, 2011, Willie Etherly has been, and remains, a convicted felon.
12. As a convicted felon, Willie Etherly is prohibited from possessing a firearm.

Investigation into Willie Etherly’s drug trafficking activities

13. Beginning on approximately December 3, 2018, Willie Etherly was on active probation from Milwaukee County Circuit Court, Case No. 16CF1346, after being found guilty on February 7, 2017, at a jury trial of possession of narcotics with intent to deliver. In that case, Etherly was sentenced to three years in jail and two years on probation.
14. Willie Etherly listed his address with his probation officer as 4XXX N. 58th Street, Milwaukee Wisconsin.
15. Based upon the investigation, Willie Etherly had the following two additional addresses:
 - A. 1XXX N. Old World Third Street, Apt. XXXX, Milwaukee, Wisconsin, a known residence of Willie Etherly and the residence from which the defendant property was seized.
 - B. 7XXX W. Beechwood Avenue, Milwaukee, Wisconsin (“Beechwood residence”).
 - i. Based upon the investigation, the Beechwood residence was believed to be a “stash” house for Willie Etherly and other drug traffickers to store narcotics and other illegal contraband.

- ii. The Beechwood residence had six cameras on the outside, and the front and side doors had security gates and Ring doorbells with cameras.
- iii. Officers conducted surveillance at the Beechwood residence and saw Willie Etherly enter and exit the Beechwood residence on numerous occasions.
- iv. On April 23, 2020, officers searched the contents of the garbage left for pickup at the Beechwood residence and found documents in the name of Willie Etherly, four empty vacuum seal bags, four large bags marked with “medical marijuana” which contained marijuana residue, eight containers for THC products, and vinyl gloves.
- v. On June 26, 2020, officers searched the contents of the garbage left for pickup at the Beechwood residence and found documents in the name of Willie Etherly, including an American Airlines luggage tag from a flight on May 10, 2020, from Chicago to Los Angeles; a large empty bag marked with a Medical Cannabis sticker; an empty vacuum seal bag with a hole in it; an empty container for LOL Edibles Medical Cannabis candy; plastic gloves with foil and duct tape on them; and Waukesha State Bank \$1,000 money bands dated June 10, 2020.
- vi. On October 12, 2020, during surveillance at the Beechwood residence, officers saw Willie Etherly exit the residence, open the trunk of a vehicle, remove a suitcase from the trunk, and then re-enter the Beechwood residence with that suitcase. After a brief time, Etherly exited the residence with the same suitcase and placed that suitcase back into the trunk of the vehicle.

October 13, 2020 execution of search warrant at Willie Etherly’s residence, 1XXX N. Old World Third Street, Apt. XXXX, Milwaukee, Wisconsin

16. On October 13, 2020, officers arrived at the residence of Willie Etherly, 1XXX N. Old World Third Street, Apt. XXXX, Milwaukee, Wisconsin (the “subject residence”), due to an outstanding warrant on Etherly for violation of his probation.

17. Willie Etherly was present at the subject residence and taken into custody.

18. Following a Wisconsin Act 79 search of the subject residence, officers obtained and executed a search warrant at the subject residence.

19. On October 13, 2020, the following items, among other things, were inside the subject residence:

A. In the kitchen were the following:

- i. Identifying documents in the name of Willie Etherly.
- ii. A semi-automatic Beretta firearm with a loaded magazine and a cartridge in the chamber.
- iii. A Glock firearm magazine loaded with nine cartridges.
- iv. Two boxes of ammunition.
- v. A jewelry box containing seven jewelry items, which are a portion of the defendant eleven assorted jewelry items.
- vi. A bag containing marijuana.
- vii. Loose marijuana on a tray.
- viii. A bottle containing THC infused “legal lean syrup.”
- ix. Five containers of THC wax.
- x. Five different products of THC infused edibles.
- xi. A suitcase containing a large amount of currency.¹
- xii. A shoebox containing a large amount of currency.
- xiii. A money counter.

B. In the living room were the following:

- i. A Springfield Armory Hellcat semi-automatic pistol with a loaded magazine and a cartridge in the chamber.
- ii. A bag containing designer THC.
- iii. Four jewelry items on the sofa, which are a portion of the defendant eleven assorted jewelry items.

¹ This suitcase was similar to the suitcase that surveilling officers saw Willie Etherly remove from the trunk of a vehicle, take into the Beechwood residence, and then place back into the trunk on October 12, 2020.

- C. In the hall/utility closet were two duffel bags containing a total of approximately 49,732 grams of THC-infused edibles.
- D. In the bedroom were the following:
 - i. A wallet containing identifiers for Willie Etherly.
 - ii. Two bags containing designer THC.
 - iii. A bottle containing THC infused “legal lean syrup.”
 - iv. One roll of medical cannabis labels.
 - v. One box of ammunition.
 - vi. Federal Express shipping labels for Will Etherly.
 - vii. A suitcase containing a large amount of currency.

20. The total THC and marijuana weights inside the subject residence were approximately 183 grams of high-grade marijuana, approximately 155 grams of THC liquid syrup, approximately 96 grams of marijuana wax, approximately 570 grams of THC liquid infused edibles, and approximately 49,732 grams of THC infused edibles.

21. The total currency inside the suitcases in the subject residence was approximately \$466,935.00 in United States currency.²

Willie Etherly’s State Drug Charges

22. On October 20, 2020, Willie Etherly was charged in Milwaukee County Circuit Court, Case No. 20CF3708, with the following:

- A. Two counts of possession of THC with intent to deliver,
- B. Two counts of felon in possession of a firearm, and
- C. Two counts of maintaining a drug trafficking place.

² On or about December 8, 2020, the Drug Enforcement Administration commenced administrative forfeiture proceedings against the approximately \$466,935.00 in United States currency.

23. On June 21, 2021, Willie Etherly pled guilty in Milwaukee County Circuit Court, Case No. 20CF3708, to the following:

- A. Two counts of possession of THC with intent to deliver,
- B. One count of felon in possession of a firearm, and
- C. One count of maintaining a drug trafficking place.

24. On October 6, 2021, Willie Etherly was sentenced in Milwaukee County Circuit Court, Case No. 20CF3708, to five years in prison and three years of extended supervision.

Administrative Forfeiture Proceedings

25. The Drug Enforcement Administration (“DEA”) began administrative forfeiture proceedings against the eleven assorted jewelry items on the ground that the seized jewelry items were purchased with proceeds traceable to an exchange of money for controlled substances.

26. On or about April 21, 2022, Willie Etherly filed a claim with the DEA in the administrative forfeiture proceedings to the defendant eleven assorted jewelry items.

Warrant for Arrest In Rem

27. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

Claims for Relief

28. The plaintiff alleges and incorporates by reference the paragraphs above.

29. By the foregoing and other acts, the defendant property, eleven assorted jewelry items, represents proceeds of trafficking in controlled substances or was purchased with proceeds traceable to an exchange of money for controlled substances in violation of 21 U.S.C. § 841(a)(1).

30. The defendant eleven assorted jewelry items is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 28th day of June, 2022.

Respectfully submitted,

RICHARD G. FROHLING
United States Attorney

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Verification

I, Christopher Navarrette, hereby verify and declare under penalty of perjury that I am a Task Force Officer with the Drug Enforcement Administration (DEA), that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 8 through 21 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Task Force Officer with the DEA.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 6-27-22

s/Christopher Navarrette
Christopher Navarrette
Task Force Officer
Drug Enforcement Administration